

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 859

Case No. 98-5C

(Consolidated Planned Unit Development and Map

Amendment @ Alabama Avenue, S.E. - SDA)

October 19, 1998

Pursuant to notice, a public hearing was held by the Zoning Commission for the District of Columbia on July 9, 1998. At that hearing session, the Zoning Commission considered an application from the Allegheny East Conference of Seventh-Day Adventists and Dupont Park Seventh-Day Adventist Church, (together or individually) the applicant. The applicant requested consolidated review and approval of a planned unit development (PUD) and a related amendment to the Zoning Map of the District of Columbia, pursuant to Chapter 24 and Section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

FINDINGS OF FACT

1. This is the second application brought by the applicant seeking consolidated review and approval of a PUD and a related map amendment. The first application was brought in 1995 (amended by applicant in 1996) and was denied without prejudice by the Zoning Commission on July 14, 1997. Consequently, applicant revised its plans and submitted a new application for the Commission's review and approval.
2. The present application, filed on March 3, 1998, requested a map amendment from R-2 to R-5-A for Parcel Nos. 201/100, 201/122, 201/127, 201/200, and a portion of 201/215 in Square 5517 located at the intersection of Alabama Avenue and Q Street, S.E.
3. The application requested consolidated review and approval of a PUD in conjunction with a requested map amendment, for the above-referenced parcels of land.
4. The subject property is triangularly-shaped and gradually slopes from north to south. It is bounded by Fort Davis Park on the south and west, Alabama Avenue, S.E. to the east, and the Dupont Park Seventh-Day Adventist elementary school to the north. The property fronts on the intersection of Alabama Avenue and Q Street, S.E., and contains 66,671 square feet (1.53 acres) of land area. The applicant requested a waiver of the two (2.0) acre minimum land area required for PUDs in an R-2 District under Section 2401 of the Zoning Regulations.

5. The applicant proposed development of an apartment housing complex for low-income elderly residents. The proposed complex would contain 45 one-bedroom dwelling units in a three-story building. Of the 45 units, one would be set aside for a resident manager, and three would be designed for handicapped individuals. The 41 remaining units would be designed for non-handicapped elderly residents and would be adaptable to accommodate residents with special needs. The building would contain approximately 35,550 square feet of floor area, have a floor area ratio (FAR) of .53, a height of 30 feet to 52 feet at various elevations, a lot occupancy of 17 percent, and an at-grade parking lot with 30 spaces.
6. The R-2 District permits matter-of-right development of single-family detached and semidetached dwellings with a minimum lot area of 3,000 square feet, a minimum lot width of 30 feet, a maximum lot occupancy of 40 percent, and a maximum height of three stories/40 feet.
7. The R-5-A District permits matter-of-right development of single-family detached and semi-detached dwellings, and with the approval of the Board of Zoning Adjustment (BZA), low density development of general residential uses including rowhouses, flats and apartments to a maximum FAR of 0.9, a maximum lot occupancy of 40 percent, and a maximum height of three stories/40 feet. The PUD guidelines for the R-5-A District recommend a maximum height of 60 feet and a maximum FAR of 1.0.
8. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this application as a second-stage PUD. The Commission may impose development conditions, guidelines and standards that may exceed or be less than the matter-of-right standards for height, FAR, lot occupancy, parking and loading, and yards and courts. The Zoning Commission may also approve uses that are permitted as special exceptions that would otherwise require approval by the BZA.
9. In a preliminary report, dated April 8, 1998, the District of Columbia Office of Planning (OP) analyzed the applicant's request and recommended that the Commission set the case for public hearing.
10. At its regular monthly meeting on April 13, 1998, the Commission reviewed the applicant's request, considered the OP recommendations and authorized a public hearing on the application.
11. The public hearing was held on July 9, 1998. At the public hearing, the Commission heard the presentation of the applicant, the Office of Planning, the National Park Service, Advisory Neighborhood Commission (ANC) 7B, and numerous residents of the area.

12. The applicant, through the prehearing submission and testimony presented at the public hearing, emphasized the Seventh-Day Adventist Church's tradition of serving and addressing the needs of elderly citizens.
13. The applicant testified that the site is an ideal location for the provision of housing and supportive services to low income elderly persons because it has a low density residential character and offers pedestrian convenience to retail shopping and other facilities, which would enable the lower income senior residents to meet their daily needs without the financial burden of automobile ownership.
14. The applicant stated that the project originated in response to the sparse and inadequate provision of comfortable, safe and affordable housing for low income elderly in the area. Existing low income housing developments for the elderly and handicapped have long waiting periods of 5 to 10 years for prospective residents. The Allegheny East Conference in conjunction with Dupont Park Seventh-Day Adventist Church was encouraged to undertake the project by local agencies and community leaders expressing their opinions about the need for housing and related services programs for lower income elderly people.
15. The applicant further testified that in seeking U.S. Department of Housing and Urban Development (HUD) Section 202 funds for the project, a change of zoning from R-2 to R-5-A is required to accommodate 45 one-bedroom (with bath) units in a three-level building, close to the minimum size HUD allows. The applicant concluded that the public and the neighborhood in particular would benefit from the availability of new, safe, sanitary and affordable housing.
16. The project architect testified that the apartment building incorporated a townhouse-like exterior design that would reinforce the residential character of the building and minimize the effects of the building's mass on the adjacent park and immediate neighborhood. The front and rear facades of the building would be divided into eight bays to replicate the look of the rowhouses and semi-detached houses in the immediate area. The primary exterior materials would be brick, vinyl siding, and aluminum soffit/fascial trim. The roofing design and color scheme would be harmonious with the building's surroundings. The brick would match the existing adjacent school building. Siding would be selected from the darker colors available in the gray/taupe/clay range and trim would be selected from the ivory/buff range. Roof shingles would be in the weathered wood (gray/brown) range. Ivory/buff rather than white trim will help reduce the visibility of the building from the park. Likewise, the bricks' earth tones will allow the building to blend into its surroundings.

17. The height of the building would be approximately 30 feet as compared to the surrounding buildings, which range from 25 to 45 feet. The elevator penthouse would be 52 feet, but no portion of the building would be higher than the tree line as viewed from Fort Davis Drive, Alabama Avenue, or the John Philip Sousa Bridge. The proposed apartment building would not be adjacent to any houses, and the closest adjacent building would be the Dupont Park School.
18. The applicant testified that it redesigned the building and site location to address the concerns of NPS raised at the first hearing. There, NPS stated that its opposition was based on a concern that the building would adversely affect the scenic character of Fort Davis Drive. NPS objected to both the height and width of the building, and the short distance between the building and the Park property line.
19. The applicant explained that in response to the concerns of NPS, the applicant has reduced the size of the proposed building by more than 3,000 square feet and has redesigned the site plan so that the building is located approximately 72 feet away from the Fort Davis Park boundary. As a result, the southwestern corner of the proposed building is more than twice the distance originally proposed in the previous PUD application.
20. The applicant stated that the decision to alter the location of the building permits the creation of a more dense buffer of vegetation between the proposed development and the Park land. The applicant proposed to plant a mixture of Pin Oaks and Eastern White Pines to create a dense buffer zone. The applicant's wire frame drawing demonstrated that wide-spreading Pin Oaks and fast-growing Pines would fill the thin areas in the existing canopy and would provide an effective screen between the property and Park, to screen the building from the view of drivers along Fort Davis Drive, even during the winter months.
21. The applicant testified that in response to concerns raised by NPS regarding the proposed storm water pond for the project, the applicant has designed an underground storm water management plan to handle runoff from the parking areas and the roof. All runoff from the parking areas, and most of the roof water would be directed through storm sewer inlets and piping to a sand filter for quality management. Excessive stormwater would be directed to a quantity management reservoir beneath the proposed parking lot. Outfall would be directed to the existing drainage swell near the Park property line, and would then flow to the existing concrete headwall and drainage pipe on Park property underneath Fort Davis Drive.

22. The applicant's traffic consultant, presented testimony and submitted a written traffic analysis that stated that the project would include 30 parking spaces for automobiles. Twenty-three parking spaces would be located at the rear of the building, not visible from Alabama Avenue. Seven parking spaces would be located to the northeast of the proposed building. The traffic consultant, through his analysis, concluded that the proposed project would not have any adverse impact on parking by residents of the community, since the 30 proposed spaces are adequate for this type of facility, and 15 additional spaces would be available, when needed, on the grounds of the adjacent Dupont Park school. The traffic consultant explained, through testimony and a written report, that the proposed reconfiguration of the existing school driveway to align with Q Street (across Alabama Avenue) would result in the most favorable traffic conditions, and would have no adverse impact on roadways. By aligning the driveway with Q Street, motorists can proceed across Alabama Avenue directly into the school parking lot, rather than turning right onto Alabama Avenue and waiting to turn left into the parking lot. The school and apartments will share this means of ingress and egress.
23. The applicant, in its application, prehearing statements, and testimony at the public hearing, offered evidence to illustrate that the project would not have an unacceptable impact on the surrounding area or upon the operation of city services and facilities. The redesign of the building would substantially mitigate the concerns that the structure would be incompatible with the low-density residential character of the immediate area. The parking configuration and traffic patterns would not have an adverse impact on local traffic or on residents' ability to park in the area. The PUD is not inconsistent with either the General, Economic Development, Housing, Urban Design, Land Use or Ward 7 elements of the Comprehensive Plan and is consistent with the public policies of the Comprehensive Housing Affordability Strategy (CHAS) of the District, which documents the need for low-income elderly housing, particularly in Ward 7.
24. The applicant proffered the following project amenities, listed according to the categories enumerated in section 2403.9 of the Zoning Regulations:
 - (a) Urban design, architecture, landscaping, or creation or preservation of open spaces:

The apartment units are specifically designed for elderly and handicapped residents, making them more suitable for this population than the existing housing stock in the immediate area. Common areas within the facility will provide social and recreational opportunities for the residents and their guests, and a terrace overlooking Fort Davis Park will provide a protected exterior space.

Amenities for the immediate neighbors would include the architecture of the apartment building, which incorporates a town home-like exterior appearance. This design feature reinforces the residential nature of the project and minimizes the apparent mass of the building. The generous landscaping surrounding the building will provide a pleasant amenity for neighbors who enjoy wooded areas.

(b) Site planning, and efficient and economical land utilization;

The revised site plan responds directly to the concerns of the National Park Service (NPS) by locating the apartment building as far as practicable from the Fort Davis Park property line. The siting of the building along the Alabama Avenue property line is in character with the residential structures located on the opposite side of the street. Parking areas are mostly screened from Alabama Avenue, and the number of spaces is based on actual need. This results in land utilization that is both economical and efficient.

(c) Effective and safe vehicular and pedestrian access; transportation management measures, connections to public transit service, and other measures to mitigate adverse traffic impacts;

Vehicular access is consolidated in a curb cut on Alabama Avenue located directly opposite the intersection of Q Street, S.E. This entrance/exit point allows for clear visibility, and minimum interference with existing traffic flow. The realities of advanced age and low income make private ownership of automobiles the exception rather than the rule for tenants in these types of facilities. The availability of public transportation along Alabama Avenue will inevitably lead to a small percentage of residents who drive.

(d) Historic preservation of private or public structures, places or parks;

The redesign of the project will leave a significant amount of buffer space between the proposed building and the Park. The underwater storm water management system should also help to preserve the life of the Park for residents to enjoy in the future.

(e) Employment and training opportunities;

The facility, as proposed, will provide employment opportunities in both construction and operation.

(f) Housing and affordable housing;

The provision of affordable housing is the primary goal of this project. As proposed, 44 apartments for low-income elderly residents will be provided with project-based rental assistance.

(g) Social services/facilities;

While designed primarily to support the tenants in the building, the common areas located on the lower floor will also serve guests from the community at-large. Supportive services provided by the sponsor and by community-based groups will likely take advantage of the spaces provided to better serve both tenants and guests.

(h) Environmental benefits, such as storm water runoff controls and preservation of open space or trees; and

The redesign efforts will help preserve the character of the existing land by allowing more open space to remain between the building and the Park boundary. The storm water management system will be located underground and will be managed in accordance with D.C. regulations, taking care not to impact Park land downstream.

(i) Uses of special value to the neighborhood or the District of Columbia as a whole.

The provision of affordable housing for the elderly is of special value to both the neighborhood and to the District as a whole. The proposed project will offer neighborhood residents increased access to the open area adjacent to the Park and to the Park itself.

25. The OP, by report dated June 29, 1998, and through testimony at the public hearing, recommended that the Commission approve the application. The OP testified that it is unlikely that the project would generate adverse area impacts in terms of noise, traffic, parking, environmental concerns or other objectionable conditions.
26. The OP indicated in its testimony that although the Generalized Land Use Map of the Comprehensive Plan designates the site for low density single-family detached and semi-detached residential use, the proposed apartment building's design, scale and lot occupancy are compatible with the low density residential character of the immediate area.

27. The OP further testified that the change of zoning would be needed to achieve the additional height and massing required for the project to serve its intended purpose. The height and FAR of the proposed building would be within the PUD guidelines for the requested R-5-A zoning. The apartment building would also be in compliance with the rear and side yard requirements, lot occupancy, and the number of on-site parking spaces required by the PUD guidelines for the R-5-A District.
28. Finally, the OP found that the applicant has made a great effort to respond to the concerns of NPS through revisions to the plans for the project, including: locating the building as far from the Park's boundary as possible, designing an underground storm water management system to maximize the landscaped buffer area, and preparing a landscape plan to provide screening along Fort Davis Drive.
29. The NPS, through testimony at the public hearing, expressed its continued opposition to the 45-unit project that would be built on land that abuts NPS property along Fort Davis Drive, a wooded park drive that parallels Alabama Avenue and runs for approximately one-half mile between Fort Dupont Park and Fort Davis (Pennsylvania Avenue, S.E.), two of the 68 forts that circled the Nation's Capital as part of the Civil War defenses of Washington.
30. NPS noted that although the applicant redesigned the project in response to NPS concerns, the project's impacts on the park and surrounding community still would be too great due to the height and mass of the proposed building.
31. Advisory Neighborhood Commission (ANC) 7B testified in opposition to the project. The ANC representative stated that the neighborhood had experienced problems with the Church in the past, including: blocked driveways during church services, poorly maintained church property, littering and trespassing by elementary school students, and a lack of communication concerning the proposed apartments.
32. The Director of the Division of Aging Services of the Greater Washington Urban League, Inc. testified in support of the project. She indicated that the proposed project is a HUD partnership. She testified to the need for housing for the elderly, particularly in Ward 7. According to her testimony, Ward 7 has the second fastest growing elderly population in the District, and the Fort Davis/Dupont community is a source of the increase. Almost 31 percent of individuals 65 years or older in Ward 7 live alone and nearly 32 percent of households headed by persons in this age group have an annual income less than \$10,000. She stated that there are only two subsidized senior housing buildings in Ward 7, Allen House and the Wall's Senior Building. The Director urged the Commission to approve the proposed project to help alleviate the chronic shortage of housing for low-income senior citizens.

33. Some residents of the neighborhood testified in support of the project. They testified that there is a need for low-income housing for senior citizens in the District, particularly in Ward 7 and urged the Commission to approve it.
34. Some residents of the neighborhood testified in opposition to the project. The residents basically reiterated the concerns of ANC 7B. They alleged that the Church reneged on its promises to maintain the school which it operates in the neighborhood and has not shown any inclination that the project, if approved and constructed, would be maintained. They also argued that the project would worsen the traffic and parking problems already created by facilities in the area.

CONCLUSIONS OF LAW

At its public meeting held on September 14, 1998, the Zoning Commission reviewed and considered all testimony and evidence presented in this case, including all post hearing submissions, revised architectural plans and responses from all parties. Based on its deliberations in this case, the Commission's conclusions of law and decision follow:

1. The Commission believes that the PUD does not carry out the purposes of Chapter 24 to encourage the development of well-planned residential, commercial and mixed-use developments which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development.
2. The Commission believes that the applicant's revisions to the project have not sufficiently reduced the bulk, size and height of the project for it to be appropriate for the site and in harmony with the character of the neighborhood.
3. The Commission further believes that the applicant has not adequately addressed the concerns of ANC 7B, the neighborhood and other organizations that opposed the project, or afforded the community sufficient opportunity to participate or provide input in the development of the proposed PUD .
4. The PUD project is inconsistent with the Comprehensive Plan, which designates the site as low density single-family detached and semi-detached residential use, because the project's design, scale and lot occupancy are not compatible with the low density residential character of the immediate area.
5. The Commission concurs with the NPS that the revised plans do not go far enough to mitigate the adverse impacts of the project on the neighborhood and the scenic character of Fort Davis Drive.

6. The Commission believes that this application would not promote orderly development in conformity with the entirety of the neighborhood and the District of Columbia zone plan, as embodied in the Zoning Regulations and Map of the District of Columbia.
7. The approval of this application is inconsistent with the Comprehensive Plan for the National Capital and the purposes of the Zoning Act, and the Zoning Regulations and Map of the District of Columbia.
8. The Zoning Commission accorded Advisory Neighborhood Commission 7B the great weight to which it is entitled, and concurs with the ANC that the project would negatively impact the Fort Davis community, and result in visual intrusions on Alabama Avenue.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS** that the application for a consolidated planned unit development and map amendment from R-2 to R-5-A for Parcel Nos. 201/100, 201/122, 201/127, 201/200 and a portion of 201/215 in Square 5517 be **DENIED**.


Vote of the Zoning Commission was taken at a public meeting on September 14, 1998: 3-1 (John G. Parsons, Angel F. Clarens and Anthony J. Hood, to deny – Herbert M. Franklin, opposed; Jerrily R. Kress not voting, having not participated in the case).

This order was adopted by the Zoning Commission at its regular public meeting on October 19, 1998, by a vote of 3-0: (Angel F. Clarens, John G. Parsons, Anthony J. Hood to adopt – Herbert M. Franklin, opposed, Jerrily R. Kress, not voting, not having participated in the case).

In accordance with the provision of 11 DCMR 3028, this Order shall become final and effective upon publication in the D.C. Register, that is on

NOV 20 1998


JERRILY R. KRESS, FAMA
Chairperson
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